



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 3831-99
8 February 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 SER N130C3/0U0030 of 19 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

7220

Ser N130C3/OU0030

19 JAN 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Ref: (a) SECNAVINST 1900.7G
(b) Phone con between N130C (DK2 Norris) and DFAS-CL
Separation Division (Mrs. Anderson)

Encl: (1) BCNR Case File #03831-99 w/Microfiche Service
Record

1. Enclosure (1) indicates a request for separation pay and a correction of separation code (JBK) during the petitioner's High Year Tenure (HYT) discharge on 22 AUG 98.
2. A review of the petitioner's DD-214, revealed that he was assigned a separation code of "JBK" (completion of required active service) during his HYT discharge. IAW reference (a), the separation code "JBK" entitles him to receive separation pay (full). Per reference (b), revealed a final payment was made in the amount of \$23408.48. N130C recomputed final entitlements including separation pay (full) totaling in the amount of \$11604.96 vice \$23408.48. This resulted in an overpayment in the amount of \$11803.52, which is outstanding on his Master Military Pay Account (MMPA) and confirmed by reference (b).
3. The separation code the petitioner was awarded entitled him to receive separation Pay (full) IAW reference (a). In the final separation computation (worksheet) he received double the amount of separation pay (full), which caused the overpayment in the amount of \$11803.52. Therefore N130C recommends disapproval of the petitioner's request of changing his separation code "JBK".

S. J. Miller
Assistant Head, Pay and
Allowances Section (N130C)